

Senate File 2288 - Introduced

SENATE FILE 2288
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2070)

A BILL FOR

1 An Act relating to the confidentiality of juvenile court
2 records in delinquency proceedings.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.11, subsection 1, unnumbered
2 paragraph 1, Code 2016, is amended to read as follows:

3 A child shall have the right to be represented by counsel at
4 the following stages of the proceedings within the jurisdiction
5 of the juvenile court under division II or division VIII:

6 Sec. 2. Section 232.11, subsection 1, Code 2016, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. g. A hearing on a confidentiality order
9 under section 232.149A or a public records order under section
10 232.149B.

11 Sec. 3. Section 232.19, subsection 4, Code 2016, is amended
12 to read as follows:

13 4. Information pertaining to a child who is at least ten
14 years of age and who is taken into custody for a delinquent
15 act which would be a ~~public offense~~ forcible felony offense
16 if committed by an adult is a public record and is not
17 confidential under section 232.147, subject to the provisions
18 of section 232.149.

19 Sec. 4. Section 232.147, subsections 2 and 6, Code 2016, are
20 amended by striking the subsections.

21 Sec. 5. Section 232.147, subsection 3, unnumbered paragraph
22 1, Code 2016, is amended to read as follows:

23 Official juvenile court records in all cases except those
24 alleging ~~delinquency~~ the commission of a delinquent act that
25 would be a forcible felony if committed by an adult shall be
26 confidential and are not public records ~~but.~~ Unless an order
27 sealing such confidential records in a delinquency proceeding
28 has been entered pursuant to section 232.150, confidential
29 records may be inspected and their contents shall be disclosed
30 to the following without court order, provided that a person
31 or entity who inspects or receives a confidential record under
32 this section shall not disclose the confidential record or its
33 contents unless required by law:

34 Sec. 6. Section 232.147, subsection 3, paragraphs e and f,
35 Code 2016, are amended to read as follows:

1 e. An agency, association, facility or institution which
2 has custody of the child, or is legally responsible for the
3 care, treatment or supervision of the child, including but not
4 limited to the department of human services.

5 f. A court, court professional staff, and adult probation
6 officers in connection with the preparation of a presentence
7 report concerning a person who prior thereto had been the
8 subject of a juvenile court delinquency proceeding.

9 Sec. 7. Section 232.147, subsection 3, Code 2016, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. i. The department of corrections.

12 NEW PARAGRAPH. j. A judicial district department of
13 correctional services.

14 NEW PARAGRAPH. k. The board of parole.

15 NEW PARAGRAPH. l. The superintendent or the
16 superintendent's designee of the school district for
17 the school attended by the child or the authorities in charge
18 of an accredited nonpublic school attended by the child.

19 NEW PARAGRAPH. m. A member of the armed forces of the
20 United States who is conducting a background investigation of
21 an individual pursuant to federal law.

22 NEW PARAGRAPH. n. The statistical analysis center for the
23 purposes stated in section 216A.136.

24 NEW PARAGRAPH. o. A state or local law enforcement agency.

25 NEW PARAGRAPH. p. The alleged victim of the delinquent act.

26 Sec. 8. Section 232.147, Code 2016, is amended by adding the
27 following new subsections:

28 NEW SUBSECTION. 3A. Official juvenile court records
29 containing a petition or complaint alleging the commission of a
30 delinquent act that would be a forcible felony if committed by
31 an adult shall be public records subject to a confidentiality
32 order under section 232.149A or sealing under section 232.150.
33 However, such official records shall not be available to the
34 public or any governmental agency through the internet or in
35 an electronic customized data report unless the child has been

1 adjudicated delinquent in the matter. However, such official
2 juvenile court records shall be disclosed through the internet
3 or in an electronic customized data report prior to the child
4 being adjudicated delinquent to the following without court
5 order:

6 *a.* The judge and professional court staff, including
7 juvenile court officers.

8 *b.* The child's counsel or guardian ad litem.

9 *c.* The county attorney and the county attorney's assistants.

10 *d.* A court, court professional staff, and adult probation
11 officers in connection with the preparation of a presentence
12 report concerning a person who prior thereto had been the
13 subject of a juvenile court proceeding.

14 *e.* A state or local law enforcement agency.

15 *f.* The state public defender.

16 *g.* The statistical analysis center for the purposes stated
17 in section 216A.136.

18 *h.* The department of human services.

19 *i.* The department of corrections.

20 *j.* A judicial district department of correctional services.

21 *k.* The board of parole.

22 NEW SUBSECTION. 3B. If the court has excluded the public
23 from a hearing pursuant to section 232.39 or 232.92, the
24 transcript of the proceedings shall not be deemed a public
25 record and inspection and disclosure of the contents of the
26 transcript shall not be permitted except pursuant to a court
27 order or unless otherwise provided in this chapter.

28 NEW SUBSECTION. 3C. Delinquency complaints under section
29 232.28 shall be released in accordance with section 915.25.
30 Other official juvenile court records in a delinquency
31 proceeding that are public records under this section and that
32 have not been made confidential pursuant to section 232.149A or
33 sealed pursuant to section 232.150 may be released under this
34 section by a juvenile court officer.

35 NEW SUBSECTION. 12. Notwithstanding any provision of this

1 section or a confidentiality order entered pursuant to section
2 232.149A, the juvenile court shall notify the department of
3 transportation as required by sections 321.213 and 321.213A.

4 NEW SUBSECTION. 13. The confidentiality of a final
5 adjudication of delinquency under this section or pursuant to
6 section 232.149A shall not prohibit the state from pleading
7 or proving the adjudication at a subsequent criminal or
8 delinquency proceeding for the purpose of penalty enhancement
9 when a provision of the Code specifically deems the delinquency
10 adjudication to constitute a final conviction.

11 NEW SUBSECTION. 14. A provision in this section or section
12 232.149A or 232.150 shall not be construed to limit or restrict
13 the production, use, or introduction of official juvenile court
14 records in any juvenile or adult criminal proceeding, where
15 such records are relevant and deemed admissible under any other
16 provision of the law.

17 NEW SUBSECTION. 15. A provision in this section or
18 section 232.149A shall not limit or prohibit individuals from
19 performing any duties or responsibilities as required by
20 section 124.415, 232.47, or 232.49.

21 NEW SUBSECTION. 16. Notwithstanding any provision of this
22 section or section 232.149A to the contrary, if the child has
23 been discharged from the jurisdiction of the juvenile court in
24 a delinquency proceeding due to reaching the age of eighteen
25 and restitution remains unpaid, the name of the court, the
26 title of the action, and the court's file number shall not
27 be kept confidential, and the restitution amount shall be
28 a judgment and lien as provided in sections 910.7A, 910.8,
29 910.10, and 915.28 until the restitution is paid.

30 NEW SUBSECTION. 17. Notwithstanding any other provision of
31 law, a public record which is confidential under the provisions
32 of this chapter shall only be subject to release upon order of
33 a court in a proceeding under this chapter.

34 Sec. 9. Section 232.147, subsection 5, unnumbered paragraph
35 1, Code 2016, is amended to read as follows:

1 Pursuant to court order, official juvenile court records may
2 be inspected by and their contents may be disclosed to:

3 Sec. 10. Section 232.149, Code 2016, is amended to read as
4 follows:

5 **232.149 Records of criminal or juvenile justice agencies,**
6 **intake officers, and juvenile court officers.**

7 1. The taking of a child into custody under the provisions
8 of [section 232.19](#) shall not be considered an arrest.

9 2. Records and files of a criminal or juvenile justice
10 agency, an intake officer, or a juvenile court officer
11 concerning a child involved in a delinquent act are ~~public~~
12 ~~records, except that release of criminal history data,~~
13 ~~intelligence data, and law enforcement investigatory files is~~
14 ~~subject to the provisions of [section 22.7](#) and [chapter 692](#),~~
15 ~~and juvenile court social records, as defined in section~~
16 ~~232.2, subsection 31, shall be deemed confidential criminal~~
17 ~~identification files under [section 22.7](#), subsection 9~~
18 confidential. The records are subject to sealing under section
19 232.150 unless the juvenile court waives its jurisdiction over
20 the child so that the child may be prosecuted as an adult for
21 a public offense.

22 3. Records and files of a criminal or juvenile justice
23 agency, an intake officer, or a juvenile court officer
24 concerning a defendant transferred under [section 803.6](#) to the
25 juvenile court for the alleged commission of a public offense
26 are public records, except that release of criminal history
27 data, intelligence data, and law enforcement investigatory
28 files is subject to the provisions of [section 22.7](#) and
29 [chapter 692](#), and juvenile court social records shall be deemed
30 confidential criminal identification files under section 22.7,
31 subsection 9. The records are subject to sealing under section
32 232.150.

33 4. Notwithstanding [subsection 2](#), if a juvenile who has
34 been placed in detention under [section 232.22](#) escapes from the
35 facility, the criminal or juvenile justice agency may release

1 the name of the juvenile, the facts surrounding the escape, and
2 the offense or alleged offense which resulted in the placement
3 of the juvenile in the facility.

4 5. Records of an intake officer or juvenile court officer
5 containing a dismissal of a complaint or an informal adjustment
6 of a complaint if no petition is filed relating to the
7 complaint, shall not be available to the public and may only be
8 inspected by or disclosed to the following:

9 a. The judge and professional court staff, including
10 juvenile court officers.

11 b. The child's counsel or guardian ad litem.

12 c. The county attorney and county attorney's assistants.

13 d. The superintendent or the superintendent's designee of
14 the school district for the school attended by the child or
15 the authorities in charge of an accredited nonpublic school
16 attended by the child.

17 e. A member of the armed forces of the United States who is
18 conducting a background investigation of an individual pursuant
19 to federal law.

20 f. The statistical analysis center for the purposes stated
21 in section 216A.136.

22 g. The state public defender.

23 h. The department of human services.

24 i. The alleged victim of the delinquent act.

25 Sec. 11. Section 232.149A, subsections 1 and 3, Code 2016,
26 are amended to read as follows:

27 1. Notwithstanding any other provision of the Code to
28 the contrary, upon the court's own motion or application of
29 ~~a person who was taken into custody for a delinquent act or~~
30 ~~was the subject of a complaint alleging delinquency or was the~~
31 ~~subject of a delinquency petition, or upon the court's own~~
32 ~~motion,~~ alleging the commission of a delinquent act that would
33 be a forcible felony if committed by an adult, the court after
34 hearing, shall order official juvenile court records in the
35 case to be ~~kept~~ confidential and no longer public records under

1 sections 232.19, 232.147, and ~~232.149~~ 915.25, if the court
2 finds both of the following apply:

3 *a.* The case has been dismissed and the person is no longer
4 subject to the jurisdiction of the juvenile court.

5 *b.* ~~Making the records confidential is in the best interests~~
6 ~~of the person and the public~~ The child's interest in making the
7 records confidential outweighs the public's interest in the
8 records remaining public records.

9 3. ~~Official~~ Unless an order sealing the records has been
10 entered pursuant to section 232.150, official juvenile court
11 records subject to a confidentiality order may be inspected
12 and their contents shall be disclosed to the following without
13 court order:

14 *a.* The judge and professional court staff, including
15 juvenile court officers.

16 *b.* The child and the child's counsel.

17 *c.* The child's parent, guardian or custodian, court
18 appointed special advocate, and guardian ad litem, and
19 the members of the child advocacy board created in section
20 237.16 or a local citizen foster care review board created in
21 accordance with section 237.19 who are assigning or reviewing
22 the child's case.

23 *d.* The county attorney and the county attorney's assistants.

24 *e.* An agency, association, facility, or institution which
25 has custody of the child, or is legally responsible for the
26 care, treatment, or supervision of the child, including but not
27 limited to the department of human services.

28 *f.* A court, court professional staff, and adult probation
29 officers in connection with the preparation of a presentence
30 report concerning a person who had been the subject of a
31 juvenile court proceeding.

32 *g.* The child's foster parent or an individual providing
33 preadoptive care to the child.

34 *h.* A state or local law enforcement agency.

35 *i.* The state public defender.

1 j. The department of corrections.

2 k. A judicial district department of correctional services.

3 l. The board of parole.

4 m. The statistical analysis center for the purposes stated
5 in section 216A.136.

6 n. The alleged victim of the delinquent act.

7 o. A member of the armed forces of the United States who is
8 conducting a background investigation of an individual pursuant
9 to federal law.

10 Sec. 12. Section 232.149A, subsection 4, Code 2016, is
11 amended by striking the subsection.

12 Sec. 13. NEW SECTION. **232.149B Public records orders.**

13 1. A rebuttable presumption exists that official juvenile
14 court records in delinquency proceedings that do not involve
15 an allegation of delinquency that would be a forcible felony
16 offense if committed by an adult shall remain confidential as
17 provided by section 232.147.

18 2. Upon application of any person or upon the court's own
19 motion at any time prior to the termination of juvenile court
20 jurisdiction over the charged juvenile, and after hearing, the
21 court shall order the official juvenile court records in such
22 a delinquency proceeding to be public records if any of the
23 following apply:

24 a. The public's interest in making the records public
25 outweighs the juvenile's interest in maintaining the
26 confidentiality of the records.

27 b. The juvenile has been placed on youthful offender status
28 pursuant to section 232.45, subsection 7, and section 907.3A,
29 subsection 1, and will be transferred back to the district
30 court for sentencing prior to the child's eighteenth birthday.

31 3. Upon application of any person or upon the court's own
32 motion at any time prior to the termination of juvenile court
33 jurisdiction over the charged juvenile, and after hearing, the
34 court may order the official juvenile court records in such a
35 delinquency proceeding to be public records if the juvenile has

1 been subsequently adjudicated delinquent for a public offense
2 that would be a serious misdemeanor, aggravated misdemeanor, or
3 felony offense if committed by an adult, or another delinquency
4 proceeding is pending seeking such an adjudication.

5 4. Records subject to a public records order may be sealed
6 at a later date pursuant to section 232.150.

7 Sec. 14. Section 232.150, subsection 1, paragraph a,
8 unnumbered paragraph 1, Code 2016, is amended to read as
9 follows:

10 In the case of an adjudication of delinquency, the court,
11 shall upon its own motion, shall schedule a sealing of records
12 hearing to be held two years after the date of the last
13 official action, or the date the child becomes eighteen years
14 of age, whichever is later, ~~or.~~ The court shall also schedule
15 a sealing of records hearing upon application of a person who
16 ~~was taken into custody for a delinquent act or was the subject~~
17 ~~of a complaint alleging delinquency or was the subject of a~~
18 ~~delinquency petition, or upon the court's own motion, the~~
19 alleging delinquency that did not result in an adjudication.
20 The court, after hearing, shall order the official juvenile
21 court records in the case including those specified in sections
22 232.147, and 232.149, 232.149A, 232.149B, and 915.25, sealed if
23 the court finds all of the following:

24 Sec. 15. Section 232.150, subsection 1, paragraph a, Code
25 2016, is amended by adding the following new subparagraph:

26 NEW SUBPARAGRAPH. (4) The person was not adjudicated
27 delinquent on an offense involving a violation of section
28 321J.2.

29 Sec. 16. Section 915.25, Code 2016, is amended to read as
30 follows:

31 **915.25 Right to review complaint against juvenile.**

32 1. A complaint filed with the court or its designee pursuant
33 to [chapter 232](#) which alleges that a child who is at least ten
34 years of age has committed a delinquent act, which if committed
35 by an adult would be a ~~public offense~~ forcible felony, is a

1 public record and shall not be confidential under section
2 232.147. The court, the court's designee, or law enforcement
3 officials may release the complaint, including the identity of
4 the child named in the complaint.

5 ~~2. The court, its designee, or law enforcement officials are~~
6 ~~authorized to release the complaint, including the identity of~~
7 ~~the child named in the complaint. All other complaints filed~~
8 with the court or the court's designee pursuant to chapter
9 232 that allege a child has committed a delinquent act are
10 confidential under section 232.147 and are not public records,
11 subject to entry of a public records order pursuant to section
12 232.149B. However, if the child named in a complaint is at
13 large, state and local law enforcement officials are authorized
14 to release the complaint, including the identity of the child
15 named in the complaint, if deemed necessary for the protection
16 of the public or the safety of the child.

17 3. Notwithstanding the provisions of sections 232.147,
18 232.149, and 232.149A, an intake or juvenile court officer
19 shall disclose to the alleged victim of a delinquent act, upon
20 the request of the victim, the complaint, the name and address
21 of the child who allegedly committed the delinquent act, and
22 the disposition of the complaint. If the alleged delinquent
23 act would be a forcible felony if committed by an adult, the
24 intake or juvenile court officer shall provide notification to
25 the victim of the delinquent act as required by section 915.24.

26 Sec. 17. APPLICABILITY. This Act applies to juvenile
27 delinquency proceedings which are pending or arise on or after
28 July 1, 2016.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to the confidentiality of juvenile court
33 records.

34 CONFIDENTIALITY OF JUVENILE RECORDS. Under current law,
35 juvenile court records in cases alleging delinquency are public

1 records unless a judge either grants a request to make the
2 records confidential or seals the records. The bill in Code
3 section 232.147(3) provides that juvenile court records are
4 confidential and therefore are not public records except in
5 cases alleging the commission of a delinquent act that would be
6 a forcible felony if committed by an adult. Under Code section
7 702.11, a forcible felony is any felonious child endangerment,
8 assault, murder, sexual abuse, kidnapping, robbery, human
9 trafficking, arson in the first degree, or burglary in the
10 first degree. If juvenile records are not confidential, the
11 bill provides that a juvenile court officer may release such
12 records.

13 CONFIDENTIALITY ORDERS. The bill in Code section 232.149A
14 provides that a court shall order juvenile court records
15 alleging the commission of a delinquent act that would be a
16 forcible felony if committed by an adult to be confidential
17 if the court finds that the case has been dismissed and the
18 person is no longer subject to the jurisdiction of the juvenile
19 court and that the child's interest in making the records
20 confidential outweighs the public's interest in the records
21 remaining public records.

22 ACCESS TO CONFIDENTIAL JUVENILE RECORDS. The bill and
23 Code section 232.147(3) provide that unless an order sealing
24 confidential juvenile records has been entered, confidential
25 juvenile records may still be inspected, without a court
26 order, by the judge and professional court staff, including
27 juvenile court officers; the child and the child's counsel;
28 the child's parent, guardian or custodian, court-appointed
29 special advocate, and guardian ad litem, and the members of
30 the child advocacy board created in Code section 237.16 or a
31 local citizen foster care review board created in accordance
32 with Code section 237.19 who are assigning or reviewing the
33 child's case; the county attorney and the county attorney's
34 assistants; an agency, association, facility, or institution
35 which has custody of the child, or is legally responsible for

1 the care, treatment, or supervision of the child, including
2 the department of human services; a court, court professional
3 staff, and adult probation officers in connection with the
4 preparation of a presentence report concerning a person
5 who prior thereto had been the subject of a juvenile court
6 delinquency proceeding; the child's foster parent or an
7 individual providing preadoptive care to the child; the state
8 public defender; the department of corrections; a judicial
9 district department of correctional services; the board of
10 parole; the superintendent or the superintendent's designee of
11 the school district for the school attended by the child or
12 the authorities in charge of an accredited nonpublic school
13 attended by the child; a member of the armed forces of the
14 United States who is conducting a background investigation of
15 an individual pursuant to federal law; the statistical analysis
16 center for the purposes stated in Code section 216A.136; a
17 state or local law enforcement agency; and the alleged victim
18 of any delinquent act in the proceeding.

19 The bill in newly designated Code section 232.147(3A)
20 provides that juvenile court records containing a petition or
21 complaint alleging the commission of a delinquent act that
22 would be a forcible felony if committed by an adult shall be
23 public records unless subject to a confidentiality order under
24 Code section 232.149A or a sealing order under Code section
25 232.150. However, the bill provides that such official records
26 shall not be available to the public or any governmental
27 agency through the internet or in an electronic customized
28 data report unless the child has been adjudicated delinquent
29 in the matter. Nevertheless, the bill provides that official
30 juvenile court records may be disclosed without a court order
31 through the internet or in an electronic customized data
32 report prior to the child being adjudicated delinquent to the
33 judge and professional court staff, including juvenile court
34 officers; the child's counsel or guardian ad litem; the county
35 attorney and the county attorney's assistants; a court, court

1 professional staff, and adult probation officers in connection
2 with the preparation of a presentence report concerning a
3 person who prior thereto had been the subject of a juvenile
4 court proceeding; a state or local law enforcement agency; the
5 state public defender; the statistical analysis center for
6 the purposes stated in Code section 216A.136; the department
7 of human services; the department of corrections; a judicial
8 district department of correctional services; and the board of
9 parole.

10 CONFIDENTIALITY OF TRANSCRIPTS. The bill in newly
11 designated Code section 232.147(3B) provides that if the court
12 has excluded the public from a hearing pursuant to Code section
13 232.39 or 232.92, the transcript of the proceedings shall not
14 be deemed a public record and inspection and disclosure of
15 the contents of the transcript shall not be permitted except
16 pursuant to a court order or unless otherwise provided in Code
17 chapter 232.

18 USE OF ADJUDICATION OF DELINQUENCY FOR PENALTY ENHANCEMENTS
19 OR EVIDENCE. The bill in newly designated Code section
20 232.147(13) provides that the confidentiality of a final
21 adjudication of delinquency under Code section 232.147 or
22 pursuant to Code section 232.149A shall not prohibit the state
23 from pleading or proving the adjudication at a subsequent
24 criminal or delinquency proceeding for the purpose of penalty
25 enhancement when a provision of the Code specifically deems the
26 delinquency adjudication to constitute a final conviction.

27 The bill in newly designated Code section 232.147(14)
28 provides that the provisions of the bill shall not be construed
29 to limit or restrict the production, use, or introduction
30 of official juvenile court records in any juvenile or adult
31 criminal proceeding, where such records are relevant and deemed
32 admissible under any other provision of the law.

33 CONFIDENTIALITY OF RECORDS AND FILES OF CRIMINAL OR
34 JUVENILE JUSTICE AGENCIES. Under current law, records and
35 files of a criminal or juvenile justice agency concerning

1 a child involved in a delinquent act are public records,
2 subject to certain exceptions. The bill in Code section
3 232.149 provides that the records and files of a criminal or
4 juvenile justice agency, an intake officer, or a juvenile court
5 officer concerning a child involved in a delinquent act are
6 confidential. The bill further provides that the records of an
7 intake officer or juvenile court officer containing a dismissal
8 of a complaint or an informal adjustment of a complaint when
9 no petition is filed relating to the complaint, shall not be
10 available to the public, but may be disclosed to the judge and
11 professional court staff, including juvenile court officers;
12 the child's counsel or guardian ad litem; the county attorney
13 and county attorney's assistants; the superintendent or the
14 superintendent's designee of the school district for the
15 school attended by the child or the authorities in charge of
16 an accredited nonpublic school attended by the child; a member
17 of the armed forces of the United States who is conducting a
18 background investigation of an individual pursuant to federal
19 law; the statistical analysis center for the purposes stated
20 in Code section 216A.136; the state public defender; the
21 department of human services; and the alleged victim of the
22 delinquent act.

23 PUBLIC RECORDS HEARINGS. The bill enacts new Code section
24 232.149B, which provides that a person may apply for a court
25 order to make confidential juvenile court records public.
26 The bill provides that a rebuttable presumption exists that
27 official juvenile court records shall remain confidential. The
28 bill provides that the court shall order the official juvenile
29 court records in such a delinquency proceeding to be public
30 records if either the public's interest in making the records
31 public outweighs the juvenile's interest in maintaining the
32 confidentiality of the records or the juvenile has been placed
33 on youthful offender status pursuant to Code section 232.45(7)
34 and Code section 907.3A(1), and will be transferred back to
35 the district court for sentencing prior to the child's 18th

1 birthday. The court may order the official juvenile court
2 records in such a delinquency proceeding to be public records
3 if the juvenile has been subsequently adjudicated delinquent
4 for a public offense that would be a serious misdemeanor,
5 aggravated misdemeanor, or felony offense if committed by an
6 adult, or another delinquency proceeding is pending seeking
7 such an adjudication. The bill provides that records subject
8 to a public records order may be sealed at a later date
9 pursuant to Code section 232.150.

10 RIGHT TO REVIEW AND RELEASE A CONFIDENTIAL COMPLAINT. The
11 bill provides that delinquency complaints shall be released
12 in accordance with Code section 915.25. Under current Code
13 section 915.25, a complaint which alleges that a child who is
14 at least 10 years of age committed a delinquent act, which if
15 committed by an adult would be a public offense, is a public
16 record. Current Code section 915.25 authorizes the court,
17 its designee, or law enforcement officials to release such
18 a complaint, including the identity of the child. The bill
19 amends Code section 915.25 to provide that such a complaint
20 is confidential unless the complaint alleges that the child
21 committed a delinquent act that if committed by an adult would
22 be a forcible felony. However, the bill authorizes state and
23 local enforcement officials to release a confidential complaint
24 against a child if the child is at large and doing so is deemed
25 necessary for the protection of the public or the safety of
26 the child. If the complaint is not confidential because the
27 alleged delinquent act is an act that would be a forcible
28 felony if committed by an adult, the court, its designee,
29 or law enforcement officials may release such a complaint,
30 including the identity of the child.

31 The bill provides that an intake or juvenile court officer
32 shall disclose to the alleged victim of a delinquent act, upon
33 request, the complaint, the name and address of the child who
34 allegedly committed the delinquent act, and the disposition
35 of the complaint. If the alleged delinquent act would be

1 a forcible felony if committed by an adult, the intake or
2 juvenile court officer shall provide notification to the victim
3 as required by Code section 915.24.

4 SEALING OF JUVENILE COURT RECORDS UNAVAILABLE FOR
5 OPERATING-WHILE-INTOXICATED VIOLATIONS. Under current Code
6 section 232.150, a court shall order juvenile court records
7 to be sealed if the person who is the subject of the juvenile
8 court records is 18 years of age or older and 2 years have
9 elapsed since the last official action in the person's case,
10 the person has not been subsequently convicted of a felony
11 or an aggravated or serious misdemeanor or adjudicated a
12 delinquent child for an act which if committed by an adult
13 would be a felony, an aggravated misdemeanor, or a serious
14 misdemeanor and no proceeding is pending seeking such
15 conviction or adjudication, and the person was not placed on
16 youthful offender status, transferred back to district court
17 after the youthful offender's 18th birthday, and sentenced for
18 the offense which precipitated the youthful offender placement.
19 The bill in newly designated Code section 232.150(4) provides
20 that the court shall not seal a person's juvenile court records
21 if the person was adjudicated delinquent for violating Code
22 section 321J.2, which prohibits the operation of a motor
23 vehicle while under the influence of alcohol or a drug.

24 RELEASE OF CONFIDENTIAL RECORDS. The bill provides that a
25 public record which is confidential under the provisions of
26 Code chapter 232 shall only be subject to release upon order of
27 a court in a proceeding under Code chapter 232.

28 EXISTING CONFIDENTIALITY EXEMPTIONS. The bill retains
29 certain existing exemptions to confidentiality of juvenile
30 court records. Pursuant to Code section 692A.121(8), records
31 concerning sex offense convictions which are committed by
32 minors may be released in the same manner as records of
33 convictions of adults. Pursuant to Code section 915.10A,
34 information concerning a juvenile charged with a felony offense
35 may be released pursuant to an automated victim notification

1 system. Under the bill, these exemptions to confidentiality
2 are not amended and therefore still apply to juvenile court
3 records.

4 RIGHT TO COUNSEL. The bill in Code section 232.11 provides
5 that a child has the right to be represented by counsel at a
6 hearing on a confidentiality order under Code section 232.149A
7 or a public records order under Code section 232.149B.

8 APPLICABILITY. The bill applies to juvenile delinquency
9 proceedings which are pending or arise on or after July 1,
10 2016.